

# **STATE PERSONNEL BOARD CALENDAR**



**JANUARY 24, 2006**

**SACRAMENTO, CALIFORNIA**

**State of California**

**Memorandum**

**DATE:** January 13, 2006

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD – Executive Division

**SUBJECT:** Notice and Agenda for the **January 24, 2006**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on January 24, 2006, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4<sup>th</sup> Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the January 24, 2006, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

**<http://www.spb.ca.gov/calendar.htm>**

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



P. Fong  
Secretariat's Office  
Attachment



## CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)

ARNOLD SCHWARZENEGGER, Governor



### **CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street<sup>2</sup>  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

### **MID MONTH MEETING – JANUARY 24, 2006**

<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

<sup>2</sup>Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4<sup>th</sup> Street, Los Angeles, California.

**MID MONTH MEETING AGENDA<sup>3</sup>**

**JANUARY 24, 2006**  
9:00 a.m. – 10:30 a.m.  
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(9:00 a.m. – 9:45 a.m.)**

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
3. **REPORT OF THE CHIEF COUNSEL – Elise Rose**
4. **REPORT OF COOPERATIVE PERSONNEL SERVICES (CPS)  
– Jerry Greenwell**
5. **NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

6. **REPORT ON LEGISLATION – Sherry Hicks**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(9:45 a.m. – 10:15 a.m.)**

7. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND  
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

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<sup>3</sup> The Agenda for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**8. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**9. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,  
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,  
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board,  
Sacramento Superior Court No. 05CS00374.

The Copley Press, Inc. v. San Diego Superior Court,  
California Supreme Court No. S128603.

Union of American Physicians and Dentists v. Department of Corrections, et al.,  
United States District Court, Northern District of California.

**10. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**11. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(10:15 a.m. – Onwards)**

**12. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF  
FEBRUARY 7, 2006, IN LOS ANGELES, CALIFORNIA**

**BOARD ACTIONS:**

**13. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
DECEMBER 20, 2005**

**14. EVIDENTIARY CASES - (See Case Listings on Page 8-12)**

**15. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Agenda Page 16-17)**

**16. NON-EVIDENTIARY CASES - (See Case Listings on Page 12-14)**

**17. NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of

understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE PRESENTED**

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following classifications which have been vacant for more than two years and have been designated Footnote 24, which specifies that a classification will be abolished when it becomes vacant.

<b>Title</b>	<b>Class Code</b>
Medical Consultant, State Board of Medical Quality Assurance	7820
Supervising Architect, Health Facilities	4122
Vocational Instructor, Industrial Arts, Correctional Facility	2598
Energy Specialist II (Forecasting)	4612
Senior Insurance Compliance Officer (Supervisor), Department of Insurance	8574

**18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF, POLICY, RESEARCH AND FORECASTING BRANCH**

The Department of Health Services proposes to allocate the above position to the CEA category. The responsibilities of the Chief, Policy, Research and Forecasting Branch include providing management direction; conducting projects that are highly sensitive and potentially controversial, or those involving representatives of the Legislature, other state departments, or the federal government; and advising the Deputy Director on issues of public policy.

**DIRECTOR, OFFICE OF PUBLIC AFFAIRS**

The Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Director, Office of Public Affairs acts as the Agency Secretary's designated spokesperson; develops, directs and coordinates the Department's public relations policy and program; assists and advises the Secretary and executive staff on communications and media policy issues, and, as requested, acts as liaison between the Secretary and Executive staff and the media, other outside organizations, and Department staff.



**ASSISTANT DEPUTY DIRECTOR, INFORMATION SERVICES  
DIVISION**

The Department of Social Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director, Information Services Division is responsible for developing and implementing policies, standards, and procedures for the newly established Office of Systems Oversight.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO  
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF, BOARD PROCEEDINGS**

The Board of Equalization has withdrawn their proposal to reallocate the above CEA allocation effective December 21, 2005.

**DEPUTY DIRECTOR, EXTERNAL AND LEGISLATIVE AFFAIRS  
CHIEF, E-GOVERNMENT AND TAXPAYER SERVICES DIVISION  
MEDIA MANAGER, MEDIA RELATIONS SECTION  
MANAGER, RESEARCH AND STATISTICS SECTION**

The Board of Equalization has withdrawn their proposals to establish a new CEA allocation titled Deputy Director, External and Legislative Affairs and to reallocate the following existing CEA allocations: Chief, E-Government and Taxpayer Services Division; Media Manager, Media Relations Section; and Manager, Research and Statistics Section effective December 28, 2006.

**20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**21. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE PRESENTED**

**22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**23. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda - Page 15)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

**A D J O U R N M E N T**

**14. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

**(1) GARY GARFINKEL, CASE NO. 98-3128RBA**

Appeal for determination of back salary, benefits and interest

**Classification:** Deputy Attorney General IV

**Department:** Department of Justice

Proposed decision rejected July 13, 2005

Transcript prepare

Pending oral argument October 3, 2005, Sacramento

Oral argument continued

Oral argument heard November 1, 2005, San Diego

Case ready for decision by FULL Board

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**NONE**

**COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) ROBERT BROWNLEE, CASE NO. 05-0154 & STEVEN POTTER, CASE NO. 05-0198**  
Appeals from dismissal  
**Classification:** Officer  
**Department:** Department of California Highway Patrol
- (2) JAMES GUTIERREZ, CASE NO. 05-2308**  
Appeal from three working days suspension  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (3) DONALD HANSEN, CASE NO. 05-0722E & 05-0723E**  
Request to file charges  
**Classification:** Departmental Construction & Maintenance Supervisor and Supervising Civil Engineer  
**Department:** Department of Parks and Recreation
- (4) SUSAN HOBAUGH, CASE NO. 05-0642**  
Appeal from ten percent reduction in salary for twelve qualifying pay periods  
**Classification:** Psychiatric Technician Assistant  
**Department:** Department of Developmental Services
- (5) ARTHUR B. JAIME, JR., CASE NO. 05-2858**  
Appeal from dismissal  
**Classification:** Custodian  
**Department:** Department of General Services
- (6) EDDIE MABRY, CASE NO. 05-0138**  
Appeal from four work days' suspension  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation

- (7) **JAMES MAYBIE, CASE NO. 05-1141**  
Appeal from 15 percent reduction in salary for ten months  
**Classification:** Accounting Officer (Specialist)  
**Department:** Employment Development Department
- (8) **SHANE MEE, CASE NO. 04-2474**  
Appeal from dismissal  
**Classification:** Caltrans Equipment Operator II  
**Department:** Department of Transportation
- (9) **RICK OCHOA, CASE NO. 04-2373B**  
Appeal for determination of back salary, benefits and interest  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority
- (10) **RODNEY SCOTT, CASE NO. 05-0195**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority

**Proposed Decisions Taken Under Submission At Prior Meeting**

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**NONE**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **MOHSIN M. BHOJANI, CASE NO. 05-0835P**  
Appeal from ten percent reduction in salary for 12 months  
**Classification:** Individual Program Coordinator  
**Department:** Department of Developmental Services

- (2) **SPENCER PETERSON, CASE NO. 05-1476EP**  
Appeal from discrimination complaint  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation
- (3) **MARCIA FAYE WALDOW, CASE NO. 05-1612P**  
Appeal from dismissal  
**Classification:** Key Data Operator  
**Department:** Employment Development Department

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **RONALD FRANKLYN, CASE NO. 05-2105A**  
Appeal from 20 working days suspension  
**Classification:** Officer  
**Department:** Department of California Highway Patrol  
  
Proposed decision rejected December 20, 2005  
Pending transcript
- (2) **ALEJANDRO GILL, CASE NO. 05-0054RA**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected January 6, 2006  
Pending transcript

- (3) **EDUARDO PEREZ, CASE NO. 05-0763A**  
Appeal from five percent reduction in salary for six months  
**Classification:** Parole Agent I (Adult Parole)  
**Department:** Department of Corrections
- Proposed decision rejected November 1, 2005  
Pending transcript  
Pending oral argument February 7-8, 2006, Los Angeles
- (4) **ERNEST PITMAN, CASE NO. 05-1591A**  
Appeal from dismissal  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles
- Proposed decision rejected December 6, 2005  
Pending transcript  
Pending oral argument March 7-8, 2006, Sacramento
- (5) **RICHARD QUADRELLI, CASE NO. 05-1039A**  
Appeal from dismissal  
**Classification:** Caltrans Maintenance Supervisor  
**Department:** Department of Transportation
- Proposed decision rejected December 6, 2005  
Pending transcript  
Pending oral argument March 7-8, 2006, Sacramento

## 16. NON-EVIDENTIARY CASES

### A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

#### WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

#### WITHHOLD FROM CERTIFICATION CASES NOT HEARD BY A STAFF HEARING OFFICER

NONE

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

**NONE**

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**EXAMINATION APPEALS**

**NONE**

**MINIMUM QUALIFICATIONS**

**NONE**

**MERIT ISSUE COMPLAINTS**

**NONE**

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**NONE**

**PETITIONS FOR REHEARING CASES**

**NONE**



**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**6. GARY GARFINKLE, CASE NO. 98-3128RBA**

Appeal for determination of back salary, benefits and interest. Deputy Attorney General IV. Department of Justice. (Oral Argument heard November 1, 2005)

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*



1

(Cal. 01/24/06;)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

  
Sherry Hicks  
Director of Legislation

**STATE PERSONNEL BOARD**

**NON-HEARING CALENDAR**

**RE: BOARD DATE JANUARY 24, 2006**

(Cal. 01/24/06;)

**MEMO TO :** STATE PERSONNEL BOARD

**FROM :** KAREN COFFEE, Chief, Merit Employment and  
Technical Resources Division

**SUBJECT :** Non-Hearing Calendar Items for Board Action

The staff has evaluated these items and recommend the following actions be taken:

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** staff proposes that the following classes be abolished. All of the following classes have been designated Footnote 24, which specifies that a classification will be abolished when it becomes vacant, and have been vacant for more than two years.

<b>Title</b>	<b>Class Code</b>
Medical Consultant, State Board of Medical Quality Assurance	7820
Supervising Architect, Health Facilities	4122
Vocational Instructor, Industrial Arts, Correctional Facility	2598
Energy Specialist II (Forecasting)	4612
* Senior Insurance Compliance Officer (Supervisor), Department of Insurance	8574

\* Indicates classes which are part of a class series. Since only the classifications listed above will be abolished, the revised class specifications for each of these series noting the elimination of the abolished class, are included in this board item.

# CALIFORNIA STATE PERSONNEL BOARD

## SPECIFICATION

INSURANCE COMPLIANCE,  
DEPARTMENT OF INSURANCE  
Series Specification  
(Established November 14, 2000)

### SCOPE

This consolidated series specification describes ~~six~~ five Insurance Compliance, Department of Insurance, classifications used for positions with professional or supervisory responsibilities for the consumer service programs at the Department of Insurance.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
VJ50	8564	Insurance Compliance Officer, Department of Insurance
VJ40	8562	Associate Insurance Compliance Officer, Department of Insurance
VJ36	8607	Senior Insurance Compliance Officer (Specialist), Department of Insurance
VJ35	8574	<del>Senior Insurance Compliance Officer (Supervisor), Department of Insurance</del>
VJ30	8560	Supervising Insurance Compliance Officer, Department of Insurance
VJ29	8606	Bureau Chief, Insurance Compliance, Department of Insurance

### DEFINITION OF SERIES

The Insurance Compliance, Department of Insurance, series describes classes concerned with regulatory work to ensure compliance with the California Insurance Code and other insurance laws as related to insurance rating, underwriting, and claims issues. This series provides for ~~six~~ five levels of technical, analytical, professional, and supervisory skills required to ensure the effective and efficient regulatory operation of the Department of Insurance. Functional areas include, but are not limited to, claims, underwriting, rating, and communication. Incumbents perform technical and analytical work to identify violations of insurance laws by insurance providers regarding rating, underwriting, and claims practices and initiate corrective or enforcement actions; provide direct technical information to resolve informal/formal consumer complaints; mediate complaints between consumers, their agents, and insurers with complaints concerning insurance rating, underwriting, or claims issues; and conduct field market examinations of the application and interpretation of policy forms, transactions, and claims practices to determine if insurers are fulfilling their obligations to adhere to State laws regarding unfair discrimination and/or fair claims practices.

ENTRY LEVEL

Entry into this series is typically from comparable professional levels outside State service, from college recruitment sources, or a related State classification of a lower level.

FACTORS AFFECTING POSITION ALLOCATION

The level, variety, and complexity of work; independence of action; level and impact of decision making; degree of supervision exercised and received; the degree of independence and judgment required in making determinations and the consequence of error; type and frequency of contact with others; and supervisory and management responsibilities.

DEFINITION OF LEVELS\*

## INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

This is the entry and first working level of the series. Under supervision of a ~~Senior Insurance Compliance Officer (Supervisor), Department of Insurance, or a Supervising Insurance Compliance Officer, Department of Insurance,~~ incumbents investigate and mediate those inquiries or cases where the issue or issues in dispute are clearly discernible and involve limited contact or investigation with the insurer, agent, or other entity in order to resolve the subject(s) at issue; take first-level enforcement actions; respond to consumer inquiries and complaints regarding all lines of insurance and provide the specific information requested and/or identify insurance practices that are noncompliant with current laws and suggest means of resolution, as appropriate, regarding insurance coverages, rates and rating plans, and claims handling practices where additional investigation through contact with the insurers or other parties is not necessary; either serve as a team member in a nonlead capacity on a market conduct examination examining files for noncompliant activity and conducting other standard elements of the examination process or work alone to conduct examinations of those insurers, third-party administrators, or managing general agents typically with limited premium levels or claims activity or with limited lines of business written; direct the insurance organization under examination to resolve issues, complaints, or violations of insurance laws; identify inquiries which warrant referral or investigation and assist the consumer in filing a complaint; represent the Department at meetings with a consumer, agent, or insurer; input claimant information directly into the Department's online database system; and do other related work.

Positions are permanently allocated to this class when the major portion of tasks performed do not include the more complex, varied, and responsible insurance regulatory activity found at the full journey level.



## ASSOCIATE INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

This is the full-journey level of the series. Under direction of a ~~Senior Insurance Compliance Officer (Supervisor), Department of Insurance, or a~~ Supervising Insurance Compliance Officer, Department of Insurance, incumbents independently perform the more complex, varied, and responsible insurance regulatory activity; investigate, identify violations, and mediate resolution of consumer complaints including inquiries by parties to the insurance contract or other interested parties or claimants involving situations that include multiple coverages or situations where there is a question of coverage or liability and typically requiring multiple contacts to achieve resolution; act as a conciliator in disputes and misunderstandings in an attempt to reach an amicable settlement between insurer and insured; report and analyze facts found in such inquiries and disputes and make recommendations; conduct examinations of the application and interpretation of policy forms, transactions, and claims practices of insurers, managing general agents, third-party administrators, or other related insurance entities either alone, as team leader, or as a full team member (sharing equal responsibility); direct the regulated insurance organization to resolve both individual and general issues, complaints, or violations of insurance laws; provide consumers with information on all relevant issues involved in each transaction; work as a team member on task forces, working groups, or projects that address technical issues or internal procedures; input claimant information directly into the Department's online database system; represent the Department at meetings with the public or industry; and do other related work.

## SENIOR INSURANCE COMPLIANCE OFFICER (SPECIALIST), DEPARTMENT OF INSURANCE

This is the advanced journey and team/project leader level of the series. Under general direction of a Supervising Insurance Compliance Officer, Department of Insurance, incumbents independently perform the most complex, sensitive, and responsible insurance regulatory activity; investigate, identify violations, and mediate resolution of consumer complaints including inquiries wherein there is a lack of statutory clarity or involving multiple issues where resolution requires compromise by all parties in the dispute or formal legal action; initiate and lead the most complex Bureau projects including those to identify, research, and abolish trends in noncompliant activity by a single entity or those which represent an industrywide practice; investigate illegal activities that are identified through the review of data trends that are brought to the attention of the Department from outside entities; establish corrective plans with regulated entities to address noncompliant activity and monitor implementation of all corrective actions; lead examinations of those insurance organizations with the highest premium volume or claims activity or those with high levels of consumer complaints in an insurance product line or those which write a variety of coverages through multiple administrators; independently, or as team leader,

organize and coordinate the development of a final report, legal referral, or alternative discipline resolution agreement suitable as a legal document for use in legal action; train staff at all lower levels; monitor consumer calls/inquiries and written case files, in a lead capacity, and serve as technical advisor to all subordinate staff; participate in Department task groups to propose and effectuate changes to regulation and/or legislation; represent the Bureau and the Department when customized examination procedures are required in the examination of financially troubled insurance organizations, those that dominate a particular product line, those that have been publicly accused of an egregious insurance practice, or where the Department is investigating allegations of a particular illegal activity; have the authority to represent the Bureau in negotiations and settlements with licensees; represent the Department in public or industry meetings; input claimant information directly into Department online database system; and do other related work.

~~SENIOR INSURANCE COMPLIANCE OFFICER (SUPERVISOR), DEPARTMENT OF INSURANCE~~

~~This is the first full supervisory level of this series. Under general direction of a Supervising Insurance Compliance Officer, Department of Insurance, incumbents plan, organize, and direct the activity of lower level staff engaged in insurance regulatory and related work; examine, analyze, and evaluate the facts obtained and the provisions of applicable insurance contracts; review complaint file documentation or market conduct examination reports to verify that proposed resolutions to violations or examination criticisms are effective and achieve compliance; identify which cases or exam reports should be considered by bureau management for disciplinary action or referral for legal review; act as the final conciliator in complex disputes and misunderstandings in an attempt to reach an amicable settlement between insurer and insured; assist in the enforcement of consistency of operations within the Bureau; prepare written annual performance evaluations for direct report staff; develop individual training plans for staff development and provide training; serve as technical advisor to all lower level staff; responsible for projects as assigned by the Supervising Insurance Compliance Officer, Department of Insurance, or Bureau Chief, Insurance Compliance, Department of Insurance, or management; participate in the recruitment and hiring process; and do other related work.~~

SUPERVISING INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

This is the ~~second full~~ first supervisory level of this series. Under general direction of a Bureau Chief, Insurance Compliance, Department of Insurance, incumbents plan, organize, and direct the activity of all staff engaged in insurance regulatory and related work; assist in establishing Bureau policy and procedures; examine, analyze, and evaluate the facts obtained and the provisions of applicable insurance contracts; determine which cases should be referred to attorneys for disciplinary proceedings or forwarded for executive review; act as the

final conciliator in the most complex disputes and misunderstandings in an attempt to reach an amicable settlement between insurer and insured; oversee multiple job sites in the examination process; review complaint file documentation or market conduct examination reports to verify that proposed resolutions to violations or examination criticisms are effective and achieve compliance; enforce consistency of operations within the Bureau; lead and participate in enforcement actions; prepare written annual performance evaluations for direct report staff; participate in the recruitment and hiring process; develop individual training plans for staff development and provide training; responsible for the most complex and sensitive projects as assigned by the Bureau Chief, Insurance Compliance, Department of Insurance; represent the Bureau at meetings and industry functions as directed by the Bureau Chief; and do other related work.

#### BUREAU CHIEF, INSURANCE COMPLIANCE, DEPARTMENT OF INSURANCE

This is the highest supervisory and management level in the series and is responsible for a highly complex program area. Under general direction, incumbents plan, organize, and direct a bureau, and are responsible for the work of professional staff engaged in administering insurance policy complaint functions relative to the mistreatment of policyholders and potential policyholders; provide protection for the California insurance consumer; prioritize assignments and the utilization of resources; oversee recruitment and retention of qualified staff; set standards for quality services and products based on sound research, customer feedback, and reasonable performance expectations; maintain operations within the budget; participate in resolution of high priority issues; enforce Bureau consistency with other Department units; communicate regularly with upper management, legal representatives, and with staff to share information on workload, accomplishments, expectations, and changes in operations; formulate policies and practices for statewide oversight of insurer market compliance; provide expert consultation to Commissioners and top management in the area of policy development on a wide range of issues relating to insurance regulations and make policy recommendations affecting program direction; regulate claims or underwriting practices and monitoring-related activities of admitted insurers; perform special Market Conduct Examinations of insurers; develop cooperative interaction with other bureaus, divisions, agencies, groups, and organizations within and outside the Department; act as technical advisor to the Insurance Commissioner and the Chief Deputy Commissioner on matters relating to legislation concerning claims or underwriting consumer affair issues; and do other related work.

#### MINIMUM QUALIFICATIONS

##### ALL LEVELS:

Experience: Experience at an insurance company working as either (1) an underwriter determining acceptability, coverage, appropriate rating plans, and any judgment-based rate deviations or factors; or

(2) a claims adjuster investigating, evaluating, negotiating, and settling claims with respect to coverage, liability, and damages; or  
 (3) a fire or casualty insurance agent or broker handling multiple lines of insurance coverage and making determinations regarding coverage needs, risk information, and renewal account servicing; or  
 (4) an insurance consumer advocacy position working on consumer issues, complaints, legislation, or insurer compliance.

#### INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

##### Either I

Education: Equivalent to graduation from college or equivalent degree approved by the Bureau for Private Postsecondary and Vocational Education under the provisions of California Education Code Division 10, Part 59, Chapter 3. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.) (Registration as a senior in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

##### Or II

Experience: Two years of qualifying insurance industry experience.  
and

Education: Equivalent to graduation from college with a two-year degree. (Additional qualifying insurance industry experience may be substituted for the required education on a year-for-year basis.)

##### Or III

Experience: Three years of qualifying insurance industry experience.

#### ASSOCIATE INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

##### Either I

Experience: One year of experience in the California state service performing the duties of an Insurance Compliance Officer, Department of Insurance, Range C. (Promotional candidates who are within six months of satisfying the experience requirement for this class will be admitted to this examination, but they must fully meet the experience requirement before being eligible for appointment.)

##### Or II

Experience: Three years of qualifying insurance industry experience. (Experience in the California state service applied toward this requirement must be at the level of responsibility provided in the promotional pattern.) and

Education: Equivalent to graduation from college or equivalent degree approved by the Bureau for Private Postsecondary and Vocational Education under the provisions of California Education Code Division 10, Part 59, Chapter 3. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

SENIOR INSURANCE COMPLIANCE OFFICER (SPECIALIST), DEPARTMENT OF INSURANCE

Either I

Experience: One year of experience in the California state service performing the duties of an Associate Insurance Compliance Officer, Department of Insurance.

Or II

Experience: Four years of progressively responsible qualifying insurance experience. (Experience in the California state service applied toward this requirement must be at the level of responsibility provided in the promotional pattern.) and

Education: Equivalent to graduation from college or equivalent degree approved by the Bureau for Private Postsecondary and Vocational Education under the provisions of California Education Code Division 10, Part 59, Chapter 3. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

~~SENIOR INSURANCE COMPLIANCE OFFICER (SUPERVISOR), DEPARTMENT OF INSURANCE~~

~~Either I~~

~~Experience: One year of experience in the California state service performing the duties of an Associate Insurance Compliance Officer, Department of Insurance.~~

~~Or II~~

~~Experience: Four years of progressively responsible qualifying insurance experience. (Experience in the California state service applied toward this requirement must be at the level of responsibility provided in the promotional pattern.) and~~

~~Education: Equivalent to graduation from college or equivalent degree approved by the Bureau for Private Postsecondary and Vocational Education under the provisions of California Education Code Division 10, Part 59, Chapter 3. (Additional qualifying experience may be substituted for the required education on a year for year basis.)~~

SUPERVISING INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

Either I

Experience: One year of experience in the California state service performing the duties of a Senior Insurance Compliance Officer (Specialist), Department of Insurance, ~~or Senior Insurance Compliance Officer (Supervisor), Department of Insurance.~~

Or II

Experience: Two years of experience in the California state service performing the duties of an Associate Insurance Compliance Officer, Department of Insurance.

Or III

Experience: Five years of progressively responsible qualifying insurance industry experience including two years in a supervisory capacity responsible for three or more claims adjusters or underwriters. (Experience in the California state service applied toward this requirement must be at the level of responsibility provided in the promotional pattern.) and

Education: Equivalent to graduation from college or equivalent degree approved by the Bureau for Private Postsecondary and Vocational Education under the provisions of California Education Code Division 10, Part 59, Chapter 3. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

## BUREAU CHIEF, INSURANCE COMPLIANCE, DEPARTMENT OF INSURANCE

Either I

Experience: One year of experience in the California state service performing the duties of a Supervising Insurance Compliance Officer, Department of Insurance.

Or II

Experience: Two years of experience in the California state service performing the duties of a Senior Insurance Compliance Officer (Specialist), Department of Insurance, ~~or Senior Insurance Compliance Officer (Supervisor), Department of Insurance.~~

Or III

Experience: Three years of experience in the California state service performing the duties of an Associate Insurance Compliance Officer, Department of Insurance.

Or IV

Experience: Five years of progressively responsible qualifying insurance industry experience including three years as a manager in charge of five or more claims adjusters or underwriters. (Experience in the California state service applied toward this requirement must be at the level of responsibility provided in the promotional pattern.) and

Education: Equivalent to graduation from college or equivalent degree approved by the Bureau for Private Postsecondary and Vocational Education under the provisions of California Education Code Division 10, Part 59, Chapter 3. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

KNOWLEDGE AND ABILITIES

## INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

Knowledge of: California Insurance Code and laws and regulations relating to insurance and their interpretation; basic functions and organizations of the Department of Insurance; the insurance industry;

general insurance principles; analytical methods and techniques used for problem identification; and data gathering and decision making.

Ability to: Interpret and apply provisions of the California Insurance Code, laws, rules, and regulations administered by the Department of Insurance; analyze situations accurately and take effective action; use tact and good judgment in dealing with the public both on the telephone and in person; conduct interviews; learn to utilize microcomputer systems and standard software applications in the performance of work; communicate effectively; and travel countrywide to examine insurer operations (field staff only).

#### ASSOCIATE INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

Knowledge of: All of the above, and trends and terminology pertaining to insurance regulations; practices, procedures, and terminology; general insurance and contract law and related statutes and court decisions; and insurance claims practices and procedures.

Ability to: All of the above, and independently apply insurance statutes and court decisions to specific cases; gather, organize, and summarize data; reason logically and creatively; utilize a variety of analytical and research techniques and approaches to resolve complex insurance regulatory problems; develop and evaluate alternative solutions; analyze data and present ideas and information effectively; prepare reports; gain and maintain the confidence and cooperation of those contacted during the course of work; act in a lead capacity over lower-level staff and handle sensitive client contacts; prepare complete, concise, and clear insurance proposals and reports; apply negotiation and mediation techniques to resolve consumer complaint problems; and take independent action with minimal supervision.

#### SENIOR INSURANCE COMPLIANCE OFFICER (SPECIALIST), DEPARTMENT OF INSURANCE

Knowledge of: All of the above, and compliance and enforcement techniques; project management processes; methods of preparation of project reports and project reporting techniques; and research methods and techniques.

Ability to: All of the above, and in a lead capacity, direct, train, and review the work of lower-level staff; liaison and negotiate between the Department of Insurance, other State and local agencies, and private insurance organizations; plan, organize, and provide persuasive and skilled leadership in insurance project work; and develop, review, and guide plans and projects for good results.

~~SENIOR INSURANCE COMPLIANCE OFFICER (SUPERVISOR), DEPARTMENT OF INSURANCE~~

~~Knowledge of:~~ All of the above, and a supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment; administrative and court decisions affecting the regulations of the insurance industry; current major trends, developments, and programs of the insurance industry; principles and techniques of personnel contract management; supervision and employer-employee relations; general insurance principles, practices, procedures, terminology, related statutes, and court decisions; supervision of program and project development.

~~Ability to:~~ All of the above, and effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment; direct and coordinate the work of others; develop the skills and abilities of subordinate staff; resolve supervisorial problems; resolve disputes and conciliate aggrieved persons; establish and maintain effective cooperative relations with consumer groups, departmental staff, and industry management representatives; conduct conferences and interviews.

## SUPERVISING INSURANCE COMPLIANCE OFFICER, DEPARTMENT OF INSURANCE

Knowledge of: All of the above, and principles, practices, and trends of public and business administration; administrative and court decisions affecting the regulations of the insurance industry.

Ability to: All of the above, and effectively apply compliance procedures and/or the provisions of the relevant laws, legal opinions and court decisions, and departmental policies; oversee the implementation of projects; represent the Department of Insurance before other governmental, public, and private agencies; and coordinate program operations with that of other divisions and organizations.

## BUREAU CHIEF, INSURANCE COMPLIANCE, DEPARTMENT OF INSURANCE

Knowledge of: All of the above, and a manager's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: All of the above, and establish criteria, regulations, and guidelines for governmental decision making; design programs; resolve complex managerial problems; and organize, supervise, and motivate staff.



SPECIAL PERSONAL CHARACTERISTICS

ALL LEVELS:

Willingness to travel and work away from the office.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Insurance Compliance Officer, Department of Insurance	2/14/63	11/14/00	11/14/00
Associate Insurance Compliance Officer, Department of Insurance	11/6/64	11/14/00	11/14/00
Senior Insurance Compliance Officer (Specialist), Department of Insurance	11/14/00	--	--
<del>Senior Insurance Compliance Officer (Supervisor), Department of Insurance</del>	<del>5/23/79</del>	<del>11/14/00</del>	<del>11/14/00</del>
Supervising Insurance Compliance Officer, Department of Insurance	11/6/64	11/14/00	11/14/00
Bureau Chief, Insurance Compliance, Department of Insurance	6/26/80	11/14/00	11/14/00

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- ~~• Additional information regarding functions performed, complexity factors, and scope of responsibility is contained in a separate document titled "Allocation Guidelines."~~

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